

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MITCHELL L BOGENREIF,

Petitioner,

vs.

SCOTT R. FRAKES, Director; STATE OF
NEBRASKA, and DEPARTMENT OF
CORRECTIONAL SERVICES,

Respondents.

4:19CV3101

ORDER

This matter is before the Court on the petitioner's motion for an extension of time in which to appeal, [Filing No. 19](#). Judgment was entered in this action on May 18, 2020. Under Federal Rule of Appellate Procedure 4(a), the petitioner had 30 days in which to appeal. Petitioner submits the declaration of counsel, stating that due to administrative error, he did not see, nor was he made aware of, the Judgment herein until after filing deadline of June 17, 2020. [Filing No. 19](#). Counsel did not notify the petitioner of the decision until after the time for filing had elapsed. *Id.*

If a motion to extend is filed within 30 days after the time prescribed in Rule 4(a) expires, the court may extend the time to file a notice of appeal on a showing of excusable neglect or good cause. Fed. R. App. P. 4(a)(5)(A)(ii). The motion to extend was filed on July 15, 2020, within 30 days of the filing deadline. Based on the declaration, and on the fact that there is a global pandemic, the Court finds good cause to extend the time to file a notice of appeal. Under Fed. R. App. P. 5(C), the extension if time is not to exceed 14 days of the date of this order. Accordingly,

IT IS ORDERED:

1. The petitioner's motion for an extension of time to appeal ([Filing No. 19](#)) is granted.
2. The petitioner is granted leave to file a notice of appeal within fourteen days of the date of this order.

Dated this 7th day of August, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge